

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MARCAIR, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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CASE NO. 4:07cv77

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 28, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss (Dkt. 9) be granted and Plaintiff's case be dismissed.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendant's Motion to Dismiss (Dkt. 9) is granted and Plaintiff's case is dismissed.

IT IS SO ORDERED.

SIGNED this 23rd day of October, 2007.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE